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June 13, 2008

Via Registered Mail,
Return Receipt Requested

Greenlease Holding Company
c/o Robert A. Paul, Chairman and CEO
600 Grant Street, Suite 4600
Pittsburgh, Pennsylvania 15219

Via Registered Mail,
Return Receipt Requested

CT Corporation
Registered Agent, Ampco-Pittsburgh Corporation
3 Gateway Center, 16th Floor
Pittsburgh, Pennsylvania 1522

Via Registered Mail,
Return Receipt Requested

Ampco-Pittsburgh Corporation
c/o Robert A. Paul, Chairman and CEO
600 Grant Street, Suite 4600
Pittsburgh, Pennsylvania 15219

Re: Resource Conservation and Recovery Act ("RCRA") - Pre-Suit Notice Pursuant to 42 U.S.C. § 6972(b)(2)

Dear Sirs:

Please be informed that we represent and write on behalf of Trinity Industries, Inc. ("Trinity") and Trinity Industries Railcar Corporation ("Trinity Railcar"), 2525 Stemmons Freeway, Dallas, Texas 75207, 214-631-4420, (collectively, "Plaintiffs") in connection with claims Plaintiffs have against Greenlease Holding Company ("Greenlease") and Ampco-Pittsburgh Corporation ("Ampco"). Plaintiffs' claims are based on RCRA section 7002(a)(1)(B), 42 U.S.C. § 6972(a)(1)(B).

RCRA Background

RCRA section 7002(a)(1)(B), 42 U.S.C. § 6972(a)(1)(B), provides that "any person may commence a civil action on his own behalf . . . against any person, . . . including any . . . past . . . owner or operator of a . . . storage, or disposal facility, who has contributed . . . to the past . . . handling, storage, . . . or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment"

Plaintiffs' claims under RCRA section 7002(a)(1)(B) arise out of a Greenlease predecessor's (then known as Greenville Steel Car Company) ownership and operation of a railcar manufacturing facility located at 60 Union Street, Greenville, Mercer County, Pennsylvania (the "Property"). During these operations, Greenville Steel Car Company continuously used products and chemicals as

solvents, paints, or other liquids that included, among others, the hazardous substances and solid or hazardous wastes xylene, naphthalene, 1,2,4-trimethylbenzene, and lead, and it discharged, deposited, dumped, disposed of, stored, and placed these hazardous substances and solid and hazardous wastes on or at the Property. Greenlease (through Greenville Steel Car Company) therefore owned and operated a storage or disposal facility from which it contributed to the handling, storage, and disposal of hazardous substances and solid and hazardous wastes. Contamination caused by these substances and wastes has caused an imminent, ongoing, and substantial endangerment to the environment on and at the Property.

Factual Background

From 1922 (and possibly as early as 1911) until 1986, Greenville Steel Car Company (a predecessor to Greenlease or associated entity) owned the Property. During that time, Greenville Steel Car Company continuously operated a railcar manufacturing facility, and in the process of these operations, it used solvents and paint and related products to clean and paint railcars. These activities occurred at a location on the Property at various times known as the Paint Shop, Erie Paint Shop, or Old Erie Paint Shop. For purposes of this Notice Letter, the location will be referred to as the "Paint Shop."

The Paint Shop was an enclosed, covered warehouse wherein painting and solvent application occurred. Paint and solvents were applied to the railcars by direct application with rags or brushes, or the solvents and paint were applied by way of spray devices, as well as other application methods.

During Greenville Steel Car Company's operations, the Paint Shop had a dirt floor; accordingly, during application, residual paint or solvents were sprayed, leaked, or were spilled directly onto the ground beneath and surrounding the Paint Shop. Greenville Steel Car Company employees applying the paint and solvents therefore handled, discharged, deposited, dumped, disposed of, and placed on the Property the solid or hazardous wastes that were constituents of the paint, solvents, and other liquids. These substances and wastes included, but were not necessarily limited to, xylene, naphthalene, 1,2,4-trimethylbenzene, and lead.¹

In 1986, Greenville Steel Car Company sold the Property, and the name "Greenville Steel Care Company") to Trinity. Contemporaneous with this sale, Greenville Steel Car Company amended its articles of incorporation to change its name from Greenville Steel Car Company to "Greenlease Holding Company," which was a wholly owned subsidiary of Ampco. Trinity thereafter incorporated an entirely new (though similarly named) entity named "Greenville Steel Car Company, *Inc.*" (emphasis added).

Greenville Steel Car Company, Inc. then filed fictitious name documents with the Commonwealth of Pennsylvania, which allowed the company to do business under the same name as the former "Greenville Steel Car Company." From 1986 until 2000, Trinity (through Greenville

¹ The above description of Greenlease/Greenville Steel Car Company's disposal activities is by way of illustration, not necessarily exhaustive, as investigation at the Property continues.

Steel Car Company, Inc.) operated a railcar manufacturing facility at the Property under the fictitious name "Greenville Steel Car Company."

This arrangement did not amount to an assumption by Trinity or any entity related to Trinity of Greenlease or the former Greenville Steel Car Company's liability for activities at the Property. Greenlease therefore is the successor in interest, by way of name change, to Greenville Steel Car Company and liable and responsible for the above-referenced contamination. In the alternative, on information and belief, Ampco is the successor-in-interest to Greenlease's liability or otherwise responsible for the contamination at the Property.

Neither Greenlease nor Ampco have removed, remediated, responded to, or cleaned up the xylene, naphthalene, 1,2,4-trimethylbenzene, lead, or other waste or substances at the Property. Accordingly, these wastes remain on the Property in violation of RCRA.

Notice of Trinity's RCRA Section 7002(a)(1)(B) Claims

RCRA section 7002(b)(2)(A), 42 U.S.C. § 6972(b)(2)(A), requires that ninety days prior to the initiation of a civil suit under the authority of RCRA section 7002(a)(1)(B), 42 U.S.C. § 6972(a)(1)(B), notice of intent to sue must be given. Trinity hereby gives notice that it intends to bring a RCRA citizen's suit under this provision following ninety days from the date of this letter to redress the below-discussed violations of RCRA:

The facts set forth above demonstrate that from 1922 (and possibly 1911) to 1986, Greenlease's predecessor (Greenville Steel Car Company) operated a railcar manufacturing facility and in the process contributed to the handling, storage, and disposal of hazardous substances and solid and hazardous wastes, including but not limited to, xylene, naphthalene, 1,2,4-trimethylbenzene, and lead. By way of example, "disposal" "means the discharge, deposit, . . . dumping, . . . or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters." 42 U.S.C. § 6903(3).

Greenville Steel Car Company's discharge, deposit, dumping, and placing of xylene, naphthalene, 1,2,4-trimethylbenzene, lead, and other waste from its railcar manufacturing activities satisfy the definition of disposal.

The term "solid waste" includes "garbage, refuse, . . . discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from . . . commercial . . . operations" See 42 U.S.C. § 6903(27). The xylene, naphthalene, 1,2,4-trimethylbenzene, lead, and other waste discarded by Greenlease's predecessor are, at minimum, solid wastes within the meaning of this definition.

Hazardous waste includes "a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may . . . cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or

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incapacitating reversible, illness; or . . . pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed." 42 U.S.C. § 6903(5).

Under RCRA, the Administrator of the United States Environmental Protection Agency has promulgated a list of hazardous waste found at 40 C.F.R. §§ 261.31 and 261.33. The Administrator moreover has identified certain characteristics of hazardous waste at 40 C.F.R. §§ 261.20-261.23, which include the characteristic of "ignitability."

Under 40 C.F.R. § 261.31, xylene is listed as a RCRA hazardous waste. Under 40 C.F.R. § 261.33, naphthalene is listed as a RCRA hazardous waste relative to the manner in which it was used by Greenlease's predecessor, Greenville Steel Car Company. 1,2,4-trimethylbenzene, moreover, has the potential to be "ignitable" within the meaning of RCRA. Accordingly, pursuant to RCRA, xylene, naphthalene, and 1,2,4-trimethylbenzene are "hazardous wastes."

The xylene, naphthalene, 1,2,4-trimethylbenzene, and lead are endangering the environment by virtue of their very presence at and on the Property. Accordingly, Greenlease's (through its predecessor Greenville Steel Car Company) above-discussed discharge, deposit, dumping, and placing of xylene, naphthalene, 1,2,4-trimethylbenzene, lead, and other waste into the environment, including the soil, atmosphere, and any groundwater on, under, and at the Property, are actionable under 42 U.S.C. § 6972(a)(1)(B). Greenlease's handling and storage of these substances and wastes also are actionable under 42 U.S.C. § 6972(a)(1)(B).

Remedies, Compensation, and Recovery of Fees


As a result of the above-discussed RCRA violations and authority otherwise granted Plaintiffs under Commonwealth and federal law, Plaintiffs will seek from Greenlease and Ampco declaratory relief; final and mandatory, prospective injunctive relief; contribution; cost recovery; consequential, incidental, and general damages; and recovery of costs of litigation, including attorneys' fees and expert witness fees.

Please contact me within the stated notice period to discuss these matters or if you have any questions concerning this notice. I look forward to hearing from you or your representative.

Sincerely,

MUNSCH HARDT KOPF & HARR, P.C.

By:


Nolan C. Knight

June 13, 2008

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cc:

Via Registered Mail, Return Receipt Requested

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Via Registered Mail, Return Receipt Requested

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Via Registered Mail, Return Receipt Requested

Kathleen Alana McGinty
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